

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 4, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3-9, 11-19 are pending in the Application. Claims 14-19 are added by this amendment.

In the Office Action, claims 1, 3-9 and 11-13 are objected to for informalities. Without agreeing with the Examiner, and in the interest of advancing consideration and allowance of the claims, the claims are amended as suggested by the Examiner. It is respectfully submitted that the informalities raised by the Examiner are addressed by the amendments to the claims and as such, withdrawal of the objection to claims 1, 3-9 and 11-13 is respectfully requested.

Claims 9 and 12 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Without agreeing with the Examiner, and in the interest of advancing consideration and allowance of the claims, claim 9 is amended to remove the recitation noted by the Examiner. It is respectfully submitted

that the rejection of claims 9 and 12 is overcome and an indication of the withdrawal of the rejection of claims 9 and 12 under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Office Action, claims 1, 3-6, 9 and 11-13 are rejected under 35 U.S.C. §102(b) or in the alternative, under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2005/0126007 to Aviza ("Aviza"). Claims 7 and 8 are rejected under 35 U.S.C. §103(a) over Aviza. The rejection of claims 1, 3-9, 11-13 is respectfully traversed. It is respectfully submitted that claims 1, 3-9, 11-19 are allowable over Aviza for at least the following reasons.

Aviza shows a razor assembly including an exfoliating element 24 which in most embodiments of Aviza, utilizes a cam to raise or lower the exfoliating element 24 in relation to blades 18. Aviza shows a further embodiment that adjusts the exfoliating element 24 in relation to the blades 18 (see, FIGs. 4, 4A, 4B) through use of a "[m]anual adjustment mechanism 50 [that] includes a pivot 52 and a wheel actuator 54. As shown in FIGS. 4A and 4B, wheel actuator 54 is thicker in some areas than in others. Thus, as the user dials wheel actuator 54, exfoliation member 24 moves up or down, depending on the thickness of the portion of wheel actuator 54 beneath the exfoliation member." (See, Aviza, paragraph [0070]).

As is clear from Aviza, while the wheel actuator includes an inclined surface, the exfoliating element 24 does not have a corresponding inclined surface. Further, as clear from this embodiment, the exfoliating element 24 does not move in a direction parallel to a plane of the blades, but in fact, in this embodiment of Aviza, the exfoliating element 24 pivots on pivot 52.

It is respectfully submitted that the razor apparatus of claim 1 is not anticipated or made obvious by the teachings of Aviza. For example, Aviza does not disclose or suggest, a razor apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "wherein the adjustable guiding member comprises two mutually opposing inclined surfaces, and wherein an adjustment of a first one of the two mutually opposing inclined surfaces in a direction parallel to said plane adjusts a second one of the two mutually opposing inclined surfaces in the direction perpendicular to said plane" as recited in claim 1, and as similarly recited in claim 9 and 13. In Aviza, it is clear that the embodiment showing an inclined surface does not include two mutually opposing inclined surfaces and further, that in this embodiment of Aviza, the adjustable member does not move in a direction perpendicular to the plane of the blades, but in contrast, pivots along a pivot axis.

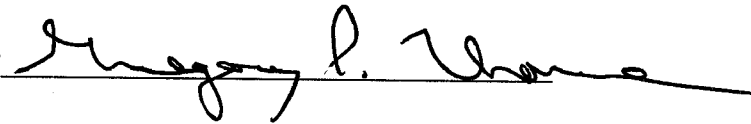
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 9 and 13 are patentable over Aviza and notice to this effect is earnestly solicited. Claims 2-8, 11-12 and 14-19 respectively depend from one of claims 1 and 9 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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June 4, 2009

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